

Magistrate Judge Brian A. Tsuchida

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ERIC MYSZKE-FRANCIS, )  
 )  
 Defendant. )

NO. MJ11-360BAT

MOTION FOR DETENTION  
ORDER

NOTING DATE: August 2, 2011

The United States moves for pretrial detention of the Defendant in connection with the Complaint filed in the Western District of Louisiana, pursuant to 18 U.S.C. § 3142(e) and (f). This case is eligible for a detention order both because it involves a felony offense, other than a crime of violence, involving a minor victim and because there is a serious risk the Defendant will flee. There is also a rebuttable presumption in favor of detention because there is probable cause to believe the Defendant committed an offense under 18 U.S.C. § 2251 or § 2252A(a)(2)(A), involving a minor victim. The United States requests the Court conduct the detention hearing on the charges contained in the Complaint filed in the Western District of Louisiana within three days.

**I. FACTS AND PROCEDURAL HISTORY**

1. The United States intends to proceed by proffer of evidence at the detention hearing and, accordingly, proffers the following facts in support of its request.

**A. Procedural History.**

2. On August 2, 2011, a Complaint was filed against, and an arrest warrant issued for, the Defendant in the Western District of Louisiana. The Complaint charges two offenses: conspiracy to advertise child pornography, in violation of 18 U.S.C. §§ 2251(d)(1) & (e); and conspiracy to distribute child pornography, in violation of 18 U.S.C. §§ 2252A(a)(2)(A) & (b)(1). The Defendant is subject to a mandatory minimum penalty of 15 years of incarceration and a maximum penalty of up to 30 years of incarceration on the conspiracy to advertise charge, and a mandatory minimum penalty of five years of incarceration and a maximum penalty of 20 years of incarceration on the conspiracy to distribute charge.

3. The United States hereby requests that the Defendant be detained pending trial pursuant to 18 U.S.C. § 3142(e) and (f), and will seek to invoke the rebuttable presumption against the Defendant's release pursuant to 18 U.S.C. § 3142(e)(3)(E), because probable cause has been found that he committed an offense involving a minor victim.

**B. The Investigation of Dreamboard.**

4. The Defendant is charged on account of his membership on an internet bulletin board that was known to its members as "Dreamboard."<sup>1</sup> As described in the Complaint, Dreamboard was dedicated to the production, distribution and advertisement of hardcore child pornography, including images and videos of infants and prepubescent minors being raped and in distress. In January of 2010 and June of 2010, in accordance with the Electronic Communication Privacy Act (ECPA), U.S. Department of Homeland Security, Homeland Security Investigations ("HSI") Special Agents obtained search warrants in the United States District Court for the District of Columbia and obtained a

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<sup>1</sup> Because Dreamboard remained under investigation, with numerous members still at large, documents previously filed against the members of Dreamboard were filed under seal per the order of the United States District Court for the Western District of Louisiana. Those documents referred to Dreamboard generically as "Bulletin Board A," and to one of its main administrators, Hawkeye, as "Administrator A." The Complaint filed against this Defendant in the Western District of Louisiana thus contains these generic terms.

1 copy of Dreamboard. The copy contained the entire content of the Dreamboard website  
2 as it existed on the date of seizure. HSI Special Agents reviewed the contents of the  
3 website and observed that it was being used to host a password-protected bulletin board  
4 devoted to the transmission and discussion of child pornography. In June of 2010, at the  
5 time Dreamboard was captured, records indicated that it had approximately 600 validated  
6 members and that it was an active board, with members continuing to post links and  
7 advertisements to images and videos of child pornography daily.

8         5. Dreamboard contained thousands of postings and messages containing child  
9 pornography and/or advertisements directing members to images and videos of child  
10 pornography.<sup>2</sup> More specifically, the postings and messages advertised depictions of  
11 nude minors engaged in sexually explicit conduct. Most of the advertisements contained  
12 preview images of child pornography that were posted directly on Dreamboard and also  
13 provided a website and password where the complete file(s) could be downloaded.  
14 Members were required to post child pornography using that method in order to prevent  
15 law enforcement detection of the board. Dreamboard was divided categorically into  
16 different subject areas. Some of these areas included a section specifically for individuals  
17 who produced their own child pornography (i.e., users who filmed themselves sexually  
18 abusing children) and a section for content containing infants and prepubescent minors  
19 being raped and in distress.

20         6. Dreamboard listed specific rules in order to gain membership to the board.  
21 Individuals seeking membership were required to upload a certain amount of child  
22 pornography to a separate website and provide the lead administrator, "Hawkeye," with  
23 preview images and the web address and password for the complete files. Hawkeye  
24 required that the images either contain hard core activity or nudity, and that the minors  
25 depicted were under 13. Hawkeye stated that membership would not be granted unless  
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27  
28         <sup>2</sup> Numerous Dreamboard postings as well as screen captures documenting  
membership rules and forum descriptions are included in Attachment A to this motion.

1 those specific rules were followed. Once gaining membership, each member could access  
2 the board using a login screen name and password.

3 7. Members of the board were segregated into a hierarchy of four membership  
4 levels by Hawkeye. Each level of membership permitted access to more content on  
5 Dreamboard. An individual could move up in membership level based upon the number  
6 and frequency of posts. The highest membership level consisted of individuals who  
7 produce their own child pornography material.

8 8. The main webpage of Dreamboard was divided into five different areas.  
9 Within each of these areas were different sections referred to as "forums." The forums  
10 generally reflected the type of images or videos contained therein. Some of these forums  
11 included: "Homemade Posts Only", "PT Vids", "Boys", "Super Hardcore", "Over 14  
12 Videos and pictures", "Over 18 passwords" and "Chat." "PT" refers to "pre teen" and  
13 "hard core" refers to images depicting sexual acts. Dreamboard also contained specific  
14 rules for the type of content to be posted in the forums. The "Super Hardcore" forum was  
15 described as containing material of very young children "getting fucked" and "preteens in  
16 distress, and or crying." The rules stated that if the child looks "totally comfortable" then  
17 the child is not in distress and the material does not belong in the "Super Hardcore"  
18 section. The "Homemade Posts Only" forum was described on the main page as a section  
19 for only "producers." Within the forum, the rules stated that it was an exclusive section  
20 and only individuals that made their own material could access this forum. The "PT  
21 Vids" section was described on the main board as a section for videos only and the minors  
22 depicted must not be over the age of 13.

23 9. Within each forum, a member of Dreamboard could make a posting which  
24 was referred to as a "topic." Dreamboard contained hundreds of topic posts distributing  
25 and advertising child pornography. Within these posts, members provided preview  
26 images of the child pornography they were making available for other members along  
27 with the web address and user created password where the complete image collection or  
28 video of child pornography could be downloaded.

1           10. Through the board's rules, instructions were provided to all members  
2 regarding how to post preview images and how to make the complete images and videos  
3 available on another website. Members were instructed to upload the full images or video  
4 to a separate website, and require a password in order to download and decrypt the files.  
5 In the topic post advertising the child pornography, members were instructed to alter a  
6 part of the web address so that it could not function as a hyperlink; this modification  
7 required another member, seeking to view the advertised content, to manually enter the  
8 web address into an Internet browser and make the appropriate changes for the web  
9 address to be valid. In addition to making new topic postings, members could also  
10 respond to topics posted by other members of the board. Members could also  
11 communicate directly with each other through the use of private messages.

12           11. Dreamboard members extensively discussed the use of anonymizing  
13 techniques and encryption technology to prevent law enforcement agencies from  
14 detecting their illegal activity on Dreamboard. For example, users were strongly  
15 encouraged to use proxy servers, which route internet traffic through other computers so  
16 as to disguise a user's actual location, in order to avoid having the user's actual location  
17 detected. Simply put, a proxy server is a computer that acts as an intermediary between a  
18 user's computer and a website's server. When a user sends information to the website's  
19 server, the request is routed through the proxy server. The website's server therefore only  
20 records the IP address of the proxy server, rather than the IP address of the user. That  
21 makes it difficult to track the actual location of the user. Moreover, administrators of  
22 Dreamboard deleted IP address information from many posts, so that the location of a  
23 user could not be traced. Users also discussed the necessity to utilize encryption  
24 programs such as Truecrypt on their computer drives, which password-protect computer  
25 files to prevent law enforcement access to them in the case of a search.

26           12. Dreamboard advertised some adult pornography in the "Over 18  
27 Passwords" forum. However, this forum only contained 125 topic posts. In comparison,  
28 the "Super Hardcore" forum and "PT Vids" forum each contained 500 and 8794 topic

posts, respectively. Thus, Dreamboard was dedicated primarily to the advertisement and distribution of child pornography.

**C. Activity of Dreamboard Member SAMSACKK.**

13. After the seizure of the Dreamboard server, the Dreamboard website was restored in an offline, investigative computer lab. Utilizing this offline version of the bulletin board, HSI Special Agents captured information related to a member using the screen name "samsackk." Included on the board's profile for SAMSACKK were the following statistics: the user joined the bulletin board on April 24, 2010; made 53 posts,<sup>3</sup> some of which contained prepubescent child pornography as defined by 18 U.S.C. § 2256; was assigned to the second level of membership, VIP; posted most frequently in the "PT Vids" section; and supplied the email address, notvalid@notvalid.fake during member registration.

14. Law enforcement captured several postings made by SAMSACKK on Dreamboard, including the following, which contained advertisements offering to distribute child pornography:

a. On May 16, 2010, SAMSACKK posted an advertisement offering to distribute the file entitled "Piko&Emiko (!!NEW!! Rare trade).mpg.downloading." The posted advertisement contained a series of color images that appear to be screen/frame captures of a video with time stamps in the lower left corner of each screen/frame. The advertisement depicts a white prepubescent female (hereinafter referred to as "child victim") engaged in sexually explicit conduct. Five of the screens/frames show a frontal view of the partially nude child victim from her knees/thighs to her neck, seated with her legs spread apart, fully exposing her vagina. The child victim is wearing only a white shirt which comes down to just above her waist. In four of these five screens/frames, it appears that an adult's hand is shown in the screen/frame as the adult's finger digitally comes in contact with and penetrates the child victim's vagina. The child victim has little or no pubic development, no visible body hair, appears to be slight in stature, and appears to be six to nine years of age. Below this advertisement SAMSACKK included the password of "samsackkfordreamboard" as well as three download links, each beginning with "http://filesurf.ru/."

b. On June 4, 2010, SAMSACKK posted an advertisement offering to distribute the file entitled "p2010trailer\_final.mpg." The posted advertisement contained a series of color images that appear to be

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<sup>3</sup> Some of these postings are included in Attachment B to this motion.

screen/frame captures of a video with time stamps in the lower left corner of each screen/frame. The advertisement depicts a nude dark-skinned prepubescent female (hereinafter referred to as "child victim") engaged in sexually explicit conduct. At least two of the screens/frames show a frontal view of the child victim, from her knees to below her chest, seated with her legs spread apart on top of a nude adult male as he is lying on his back. In one of the screens/frames, the child victim is being held around the waist by the adult male's hands as the adult male's erect penis penetrates the child victim's vagina. In another screen/frame, the child victim is being held by the adult male's hands as she is shown holding the adult male's erect penis in her hand as a white substance is shown exiting the adult male's penis. The child victim has little or no pubic development, no visible body hair, is slight in stature as compared to the adult male, and appears to be seven to ten years of age.

The following caption appears in the first screen/frame:

The Original Princess 2010  
TRAILER  
you've seen the rest, now see the best

Below this advertisement appears the following posting from SAMSACKK, "Young girl gets fucked halfway balls deep." SAMSACKK's posting also included the download link "<http://filesurf.ru/186723>" and the password of "samsackkfordreamboard."

#### **D. Identification of ERIC MYZKE-FRANCIS as SAMSACKK.**

15. As a result of information obtained from the seizure of the Dreamboard server, HSI Special Agents were able to identify Internet Protocol ("IP") addresses associated with specific members of "Bulletin Board A." An "Internet Protocol address" or "IP address" refers to a unique number used by a computer to access the Internet. Each time a member of the site posted a message, the IP address from which the user posted the message was recorded by the site. Those IP records were included in the data seized in January and June of 2010. On the following dates and times, user samsackk was recorded as having conducted activity on Dreamboard using the following IP addresses: 96.240.113.122 between 4/12/2010 and 5/10/2010; 98.117.125.201 between 5/11/2010 and 5/25/2010; and 98.117.123.197 between 5/29/2010 and 6/26/2010.

16. Using publicly available websites, HSI Special Agents were able to determine that the above IP addresses were operated by the internet service provider (ISP) Frontier Communications.



1           17. An administrative subpoena/summons was served to Frontier  
2 Communications requesting information related to the user who was assigned to the  
3 above IP addresses. Subpoena/summons responses from Frontier Communications  
4 showed the IP addresses resolved to an Internet Account assigned to ERIC MYSZKE-  
5 FRANCIS. The address associated with the account was an apartment in Redmond,  
6 Washington. A summons response from Frontier Communications dated 6/10/2011  
7 revealed that the account was deactivated 7/8/2010.

8           18. An administrative subpoena/summons was served on or about June 13,  
9 2011, to Facebook, Inc., for records of user information, account status, and IP logs  
10 related to a specific Facebook ID number associated with MYSZKE-FRANCIS. The  
11 subpoena/summons response from Facebook, Inc., showed that the Facebook ID number  
12 related to an ERIC FRANCIS. Further review of the Facebook, Inc., response revealed  
13 that from June 5, 2010, through June 22, 2010, MYSZKE-FRANCIS had logged into his  
14 Facebook account using IP address 98.117.123.197. This is the same IP address used by  
15 SAMSACKK to log into Dreamboard during one of the time frames indicated above.

16           19. On July 5, 2011, HSI received information from a representative of the  
17 United States Postal Service (USPS) that MYSZKE-FRANCIS receives mail at the  
18 apartment in Redmond, Washington, referred to in Paragraph 17, above.

19           20. On July 6, 2011, HSI served a DHS subpoena/summons to the Property  
20 Manager at the apartment complex in Redmond, Washington, identified in Paragraphs 17  
21 and 19, above. A copy of the Apartment Lease Contract indicates that on July 1, 2011,  
22 ERIC FRANCIS (also known as ERIC MYSZKE-FRANCIS), with a date of birth of in  
23 1984, signed an Apartment Lease Contract for an apartment in this specific apartment  
24 complex, for lease beginning July 1, 2011, through June 30, 2012. A copy of a  
25 Recertification Update form, dated and signed by MYSZKE-FRANCIS on June 30, 2011,  
26 indicated that the head of household was ERIC MYSZKE-FRANCIS. The field entitled  
27 "Others to Reside in Apartment" was left blank by MYSZKE-FRANCIS. The Property  
28



1 Manager advised HSI that this information indicated there are no other occupants in this  
2 apartment.

3 **E. The Defendant's Arrest and the Search of His Home**

4 21. On July 28, 2011, HSI Special Agents executed a federal search warrant at  
5 the Defendant's apartment in Redmond, Washington. Numerous computers and other  
6 digital media were found within the residence. Preliminary computer forensic search  
7 results determined that images and videos depicting minor children engaging in sexually  
8 explicit conduct were found on electronic storage media within the Defendant's  
9 residence. Additionally, forensic analysis of a Seagate Hard Drive (HD) bearing serial  
10 number 6TE0KTXW revealed a cookies.txt file with a file path of  
11 hda3\home\efrancis\mozilla\firefox\jpkpw648.default\cookies.txt, containing the text  
12 string "hawkeye%20dreamboard."

13 22. Also on July 28, 2011, and while the search of his residence was being  
14 conducted, HSI Special Agents contacted MYSZKE-FRANCIS at his place of  
15 employment. When the agents identified themselves to the Defendant, he immediately  
16 began to cry and said he was "scared" of the agents. HSI Special Agents advised  
17 MYSZKE-FRANCIS of his *Miranda* rights, and assisted him in telephoning his father,  
18 who was in Redmond, Washington, visiting from Michigan. MYSZKE-FRANCIS  
19 subsequently signed the *Miranda* form and indicated that he was willing to speak with  
20 agents without a lawyer present. MYSZKE-FRANCIS discussed his computer skills with  
21 the agents, and repeatedly stated that he wanted to cooperate. He continued to cry at  
22 times, and approximately 20 minutes after the interview began, MYSZKE-FRANCIS  
23 advised that he wanted to speak with a lawyer. HSI Special Agents terminated the  
24 interview.

25 23. While HSI Special Agents spoke with MYSZKE-FRANCIS at his place of  
26 employment, the agents who were conducting the search of his residence discovered  
27 images and videos of child pornography on digital media seized from the residence.  
28

1 MYSZKE-FRANCIS was subsequently arrested on probable cause to believe that he  
2 possessed child pornography.

3 24. On August 1, 2011, Special Agent and HSI Group Supervisor (GS) Brian  
4 Widener, who is also a certified computer forensics agent, conducted an initial forensic  
5 preview of another piece of seized digital media, a Seagate HD bearing serial number  
6 5QE39LKG. This HD contained a file folder entitled "hawkeyeDB." As noted above in  
7 Paragraph 6, "Hawkeye" was the lead administrator of Dreamboard. Within the file path  
8 for this file folder are the letters "HMM." In a posting to Dreamboard by SAMSACKK  
9 dated May 9, 2010, he referred to "Hawkeye" as "HMM."

10 25. GS Widener also located a large amount of child pornography on the HD,  
11 including twelve color images depicting a series of young Asian females (hereinafter  
12 referred to as "child victims"), between the ages of 6 to 8 years old, posing for the camera  
13 while each is holding a sign containing the following text:

- 14 a. "HI HAWKEYE
- 15 b. "I LOVE YOU"
- 16 c. "I love Dreamboard"

17 One of the child victims is wearing only a pink halter top and white mini skirt,  
18 while another is wearing a silver bikini.

19 26. GS Widener also located the following two videos on the HD, both of  
20 which were referenced by SAMSACKK in postings he made to Dreamboard:

- 21 a. "Klvn 1202 m3b 11 Yo fk.avi," posted on June 9, 2010
- 22 b. "p2010trailer final.mpg," posted on June 4, 2010

23 27. HSI Special Agents are continuing their review of the digital media seized  
24 from the Defendant's apartment.

## 25 II. ARGUMENT

26 28. Under 18 U.S.C. § 3142(e), if the Court "finds that no condition or  
27 combination of conditions will reasonably assure the appearance of the person as required  
28 and the safety of any other person and the community, such judicial officer shall order the

1 detention of the person before trial.” Because the Defendant is charged with violations of  
 2 18 U.S.C. §§ 2251(d)(1) & (e) and 18 U.S.C. §§ 2252A(a)(2)(A) & (b)(1), there exists a  
 3 rebuttable presumption that no such condition or combination of conditions exists.  
 4 18 U.S.C. 3142(e)(3)(E). The burden is therefore on the Defendant to overcome that  
 5 presumption with concrete evidence to establish that there are conditions of release which  
 6 will ensure both his appearance at trial and the safety of the community.

7 29. In determining whether there are conditions of release that will reasonably  
 8 assure the Defendant's appearance and the safety of any other person and the community,  
 9 the Court must take into account:

10 (1) The nature and circumstances of the offense charged, including whether  
 11 the offense is a crime of violence or involves a narcotic drug;

12 (2) the weight of the evidence against the person;

13 (3) the history and characteristics of the person, including—

14 (A) the person's character, physical and mental condition, family ties,  
 15 employment, financial resources, length of residence in the  
 16 community, community ties, past conduct, history relating to drug or  
 17 alcohol abuse, criminal history, and record concerning appearance at  
 18 court proceedings; and

17 (B) whether, at the time of the current offense or arrest, the person  
 18 was on probation, on parole, or on other release pending trial,  
 19 sentencing, appeal, or completion of sentence for an offense under  
 20 Federal, State, or local law; and

19 (4) the nature and seriousness of the danger to any person or the community  
 20 that would be posed by the person's release ... .

21 18 U.S.C. § 3142(g). Consideration of the factors enumerated in § 3142(g) supports an  
 22 order of detention in this case because no conditions of release will ensure the safety of the  
 23 community and because the Defendant poses a substantial risk of flight.

### 24 **1. The Nature of the Charged Offenses is Serious**

25 30. The Defendant is presently charged with multiple felony offenses under  
 26 Chapter 110 of the United States Code, which constitute crimes of violence within the  
 27 meaning of the Bail Reform Act. *See* 18 U.S.C. §3156 (a)(4)(C). The charges involve a  
 28 conspiracy to advertise and distribute thousands upon thousands of images and videos of

1 child pornography, including those of prepubescent children as young as infants and  
2 children being violently abused and raped. The organization that the Defendant chose to  
3 affiliate himself with - his membership obtained only by posting large quantities of child  
4 pornography to the board - links him with some of the worst of the worst child  
5 pornography offenders on the Internet.

6 31. Dreamboard was a secured online bulletin board with over 600 members  
7 across the globe that was devoted to the production and dissemination of hardcore child  
8 pornography. The site contained thousands of postings of images and videos of children  
9 as young as infants being sexually abused, including a section with images and videos  
10 posted by members who were producing the material themselves - that is, sexually abusing  
11 children, videotaping the abuse, and sharing the videos of their abuse with members of the  
12 board. In fact, members of this online community were rewarded - promoted to higher  
13 levels of membership entitling them to greater access to hardcore child pornography on the  
14 board - based upon the frequency and volume of their postings. The membership  
15 requirements of the board prevented members from passively viewing the site - to remain a  
16 member, members were required to post child pornography frequently. The Defendant  
17 personally posted messages to the board which included images and videos of child  
18 pornography. The users of Dreamboard devoted themselves to obtaining and sharing  
19 among members the most unique and private depictions of child sexual abuse that they  
20 could find, and encouraged the production of such material for their private sharing. That  
21 makes the Defendant a danger to children.

## 22 2. The Case Against the Defendant is Strong

23 32. Moreover, as described above, the United States's case against the  
24 Defendant is strong. Postings by Dreamboard member SAMSACKK were traced via IP  
25 address to the Defendant's residence. The Defendant accessed his personal Facebook  
26 page from those same IP addresses. References to the Dreamboard administrator,  
27 Hawkeye, have been found on the Defendant's digital media, as well as images of children  
28 holding signs about Hawkeye and Dreamboard. Two videos on the Defendant's digital

1 media are the exact same videos SAMSACKK posted comments about on Dreamboard.  
2 And this is only what agents have found in the very preliminary stages of the forensic  
3 analysis; they are continuing their forensic analysis of the digital media seized from the  
4 Defendant's residence.

5 **3. The Defendant Was a Member of Group that Engaged in a**  
6 **Pattern of Activity Designed to Obstruct Justice**

7 33. This Court should also consider the Defendant's efforts to obstruct justice  
8 and avoid law enforcement detection through the use of encryption and proxy technology.  
9 Dreamboard members consistently touted the benefits of using encryption technologies to  
10 avoid detection by law enforcement and sought advice and counsel from confederates  
11 about where to find and how to implement the best proxy services and which encryption  
12 methods to employ.

13 34. At this point, several of the many individuals who have been identified along  
14 with the Defendant have been arrested; however, the vast majority of Dreamboard  
15 members remain at large. The Defendant has the ability to contact those individuals via  
16 the internet, in order to continue to trade and distribute child pornography, and also to  
17 advise them of the pending investigation and their need to destroy evidence or flee law  
18 enforcement. He has demonstrated through his membership in Dreamboard that he  
19 actively seeks to obstruct law enforcement's attempts to hold accountable the members of  
20 the bulletin board of which he was a member. Moreover, there is no practical means, short  
21 of detention, to ensure that he does not use the Internet to contact his confederates.  
22 Internet access is available throughout the community, in libraries, coffee shops, and  
23 elsewhere. A court order to not use the Internet is not practically enforceable; in any  
24 event, sanctioning the Defendant after he violated such an order would do nothing to  
25 obviate the consequences of that violation - he would have notified his confederates who  
26 would then be able to destroy evidence or flee before they could be apprehended.  
27  
28

**4. The Defendant is a Flight Risk**

35. The Defendant has been arrested on two charges which carry mandatory minimum sentences of 15 and five years of incarceration, respectively, and a maximum penalty of 30 years in prison. The serious penalties that he faces for his crimes provide him with a great incentive to flee prosecution. The strength of the evidence against him heightens that risk. The Defendant is a member of a group that has taken extraordinary measures, through encryption and proxy technology, to avoid being detected by law enforcement. His incentive to avoid being held accountable is all the more real at this point, knowing that he has been caught and the significant penalties that he faces. His prior behavior should lead this Court to the conclusion that, if released, he will continue his efforts to avoid responsibility for sexually exploiting children by fleeing from prosecution.

**III. CONCLUSION**

36. ERIC MYSZKE-FRANCIS cannot rebut the statutory presumption against release in this case. Accordingly, no condition or combination of conditions of release will reasonably assure his appearance, nor will they adequately protect the safety of any person or the community if he is released. The United States therefore requests that ERIC MYSZKE-FRANCIS be detained pending trial.

DATED this 2nd day of August, 2011.

Respectfully submitted,

JENNY A. DURKAN  
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\_\_\_\_\_  
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CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s). I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via telefax.

s/ Jacqueline Masonic  
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